

BEFORE THE NATIONAL GREEN TRIBUNAL

NEW DELHI

OBJECTION APPLICATION BEING FILED BY THE APPLICANT AGAINST THE ACTION TAKEN REPORT FILED BY THE CHIEF ENVIRONMENT OFFICER, UPPCB, LUCKNOW, ON 28/01/2022, BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL IN COMPLIANCE OF THE NGT ORDER DATED 25.01.2022 **In E.A 24 of 2021 In OA -989 of 2019.**

In

EA-24 of 2021

In ORIGINAL APPLICAION No 989 Of 2021

IN THE MATTER OF :

Ved Prakash Aggarwal

.....Applicant

V/S

Municipal Commissioner, Ghaziabad Nagar Nigam & Ors..

..... Respondents

MOST RESPECTFULLY SHOWETH :

PRELIMINARY OBJECTIONS / SUBMISSIONS:

1. That In COMPLIANCE OF THE ORDER PASSED BY THE HON'BLE NGT DATED 25.01.2022, In EA-No 24 of 2021 In OA 989 of 2019 Action taken report filed by the CHIEF ENVIRONMENT OFFICER UPPCB, LUCKNOW on 28/01/2022 is misleading, because despite prevalence of water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and control of Pollution) Act,1981 and Guidelines for Environment Management of dairy Farms and Gaushalas and

existence of Uttar Pradesh Pollution Control Board/UPPCB, the Dairy business is continuing in Chiranjiv Vihar and everywhere in Ghaziabad for a very long time. So, objection is raised in respect of their dormant existence in Ghaziabad.

2. That the copy of the Action Taken Report submitted by the Chief Environment Officer UPPCB, Lucknow dated 28/01/2022 has not been provided to Applicant. So, objection is raised in respect of their duties, responsibilities, performances and also their accountabilities.
3. That the Action taken report filed by the CHIEF ENVIRONMENT OFFICER UPPCB, LUCKNOW on 28/01/2022 is perhaps fake because the UP POLLUTION CONTROL BOARD has not taken any action against the violators after passing of the order dated 14.08.2020 by the HON'BLE NGT till December 2021 and just wrote a letter to seek information about various violators in the area to Municipal Commissioner.
4. That the UPPCB has only imposed/proposed Environmental Compensation to the tune of Rs. 38,59,000/- (i.e. Rs. 165000 x 13 + Rs. 285000 x 6) to the Dairy Operators and no evidence has been provided for its "Recovery" as reported in Table-2. So, objection is raised in respect of such False imposition.

5. That the UP Pollution Control Board has not acted upon the directions of HON'BLE NGT and failed to perform on their responsibilities and duties which they are supposed to do instead of passing the buck or just fulfilled their obligations by writing letters to various departments. Hence no concrete action on ground is taken against the violators.
6. That the Action Taken Report has reported that – “During inspection, the Dairy Owner voluntarily closed the process and vacated the site.” “Dairy premise could not be sealed as residence of dairy operator was also there.” While the fact is that the Dairy Operators removed their buffalos in the vicinity or beside the railway lines which is not within the Chiranjiv Vihar jurisdiction and after the departure of the joint team led by UPPCB, most of them have returned to site and start their operation as usual. In view of the above, the report is misleading and it proves nexus in between the Dairy Operators and the Administration.
7. That Public Notice was issued on 28/01/2022 in the Amar Ujala and Hindustan (Hindi Dailies) to bring to the notice of all Dairy Operators to obtain “consent to operate” under the provisions of Water (Prevention and Control of Pollution) Act-1981. But, no Rehabilitation Plan has been given. In this regard, if permitted, to get rid of this menace permanently, it is suggested that Ghaziabad Nagar Nigam may develop a “Dairy Farm / fais shala ” beside the “Gaushala” and

more lands may be available from Northern Railway. If it is done, both parties would be benefitted as under.

Northern Railway – (a) Encroachment may be prevented, (b) Maintenance of railway land as per Swachh Bharat Mission, (c) Prevention of mosquito menace due to water-logging therein.

Ghaziabad Nagar Nigam – Availability of sufficient land to develop Dairy Farm and Gaushalas along with several other environment-friendly, sustainable and financially viable projects. Moreover, it is feared that all such Dairy Operators/Firms would come back by taking “consent to operate” as some are still operating.

8. That it appears that the UPPCB is very technical and expert in paperwork, rather than on-ground actions. In its letter dated 27/01/2022, it has communicated the order of the NGT dated 27/08/2020 to all concerned offices and Nagar Palikas and Panchayats in Ghaziabad District to act accordingly. But, as usual, no action has been taken so far. It is sure that the environment of Chiranjiv Vihar can't be cleaned enough unless and until its neighborhood is cleaned. Hence, a Composite Plan is needed which would give the order of NGT dated 25/01/2022 a sustainable effect. Moreover, it is also sure that it is paramount that the neighborhood of NCT of Delhi be “Clean and Green”. If “clean and green” environment prevails in Ghaziabad, the NCT of Delhi will also be benefitted a lot.

9. That the Action Taken Report has reported that – “Submersible Pumps” have been sealed. Objection is raised against the existence of such Submersible Pumps in residential areas. No action has been taken yet against the perpetrators for installation of such Submersible Pumps.
10. That the Enforcement Drive was conducted on 26/01/2022 by the team comprising (a) District Administration, (b) District Police, (c) Ghaziabad Nagar Nigam, (d) UPPCB and (e) UP Power Corporation limited. It is very surprising that they found only 2 Dairies are operational on 26/01/2022. Moreover, no “surprise” raid/checking has been conducted thereafter.
11. That in view of the position stated above, it is requested that the UPPCB may be directed to ensure and safeguard the environment of Chiranjiv Vihar, Ghaziabad area by surprise visits along with reporting the development in Air and Water Pollution level to NGT and to all other concerned agencies continuously at least for five years and the Applicant (Ved Prakash Agarwal) may be allowed to file his objections if anything is observed in contrary to the NGT order dated 25/01/2022, since it is a continuous process hence be instant case should not be closed at all .
12. That it is also feared that the earlier condition will prevail and the agencies will not act against the perpetrators if the instant case is

closed for ever, besides there is exponential scope for financial loss, mental agony and physical harassment/threat to the Applicant.

13. That it is urged to the National Green Tribunal to form a Monitoring Committee for the whole District of Ghaziabad under the supervision of National Green Tribunal for continuous monitoring and compliance.

14. Hence, the Hon'ble National Green Tribunal may pass such order as it may deem fit and proper in the facts and circumstances of the case and in the interest of providing clean air and water to the residents of a fully developed residential colony i.e. Chiranjiv Vihar, Ghaziabad.

15. Since the Applicant is a Senior Citizen and fully dependent on his children for financial and other assistance, the Hon'ble National Green Tribunal may feel his compulsions and direct the Respondents to compensate the legal expenses incurred by him in connection with the instant case which is caused due to the absolute negligence and inaction of the Respondents.

Place Ghaziabad

Applicant

Dated : 30/01/2022

Ved Prakash Aggarwal

(In Person)

C-16, Sector -3, Chiranjiv Vihar,

Ghaziabad 201002

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BEFORE NATIONAL GREEN TRIBUNAL, NEW DELHI

OBJECTION APPLICATION FILE BY THE APPLICANT AGAINST THE ACTION TAKEN REPORT IN COMPLIANCE OF THE ORDER DATED 25.01.2022 BY THE CHIEF ENVIRONMENT OFFICER UPPCB , LUCKNOW FILED ON DT.28/01//2022 BEFORE HON'BLE NATIONAL GREEN TRIBUNAL .

In
E.A 24 of 2021

In
Original Application 989 of 2019

Ved Prakash Aggrawal

...Applicant.

Versus

Municipal Commissioner , Nagar Nigam Ghaziabad |

AFFIDAVIT

I, Ved Prakash Aggarwal aged about 56 years 6 Months , S/o Late Sh. Raghubar Dayal R/o C-16, Sector 3, Chiranjeev Vihar, Ghaziabad – 201002, Uttar Pradesh, do hereby solemnly affirm and state as under:

1. That I am the Applicant in above mentioned matter and well conversant with the facts of the case and hence am competent to swear to this affidavit in support of the accompanying Application.
2. That I have gone through the contents of the accompanying application which has been drafted by me & I am submitting in person that the same are true and correct to the best of my knowledge and belief and are based on the records made available.

3. That the annexure. If any the true copies of their respective originals.

VERIFICATION

DEPONENT

Anshu





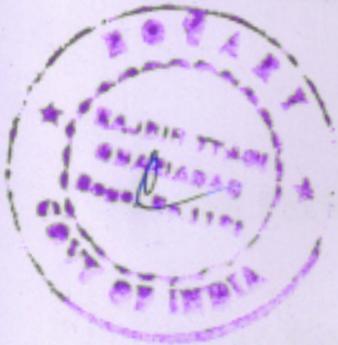
Verified at Ghaziabad on this day i.e. 12-01-2022 that the contents of the above affidavit are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed there from.

Place : Ghaziabad

Date : 29/01/2022

Asma

DEPONENT



अभिमत अफिदावत
 • काबिल दिनांक 29-1-2022 को इस पत्र को *वेद प्रकाश सिंह*
 • प्रमाणित/सत्य को प्रमाणित की..... *है*
 • की/का संख्या... 15

Asma
 अफिदावत करने वाली
 की/की संख्या

29-1-2022